

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 781
94TH GENERAL ASSEMBLY

Reported from the Committee on Judiciary May 6, 2008 with recommendation that House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 781 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3109L.10C

AN ACT

To repeal sections 49.292, 441.065, 441.880, 534.090, 535.030, 535.040, and 535.120, RSMo, and sections 317.006, 317.011, and 317.015 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof eleven new sections relating to real property, with an emergency clause for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 49.292, 441.065, 441.880, 534.090, 535.030, 535.040, and 535.120, RSMo, and sections 317.006, 317.011, and 317.015 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 49.292, 317.006, 317.011, 317.015, 441.065, 441.645, 442.558, 534.090, 535.030, 535.040, and 535.120, to read as follows:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

49.292. 1. Notwithstanding any other law to the contrary, the county commission of any county may reject the transfer of title of real property to the county by donation or dedication if the commission determines that such rejection is in the public interest of the county.

2. No transfer of title of real property to the county commission or any other political subdivision by donation or dedication authorized to be recorded in the office of the recorder of deeds shall be valid unless it has been proved or acknowledged. The preparer of the document relating to subsection 1 of this section shall not submit a document to the recorder of deeds for recording unless the acceptance thereof of the grantee named in the document has been proved or acknowledged. **No water or sewer line easement shall be construed as a transfer of title of real property under this subsection.**

317.006. 1. The division shall have general charge and supervision of all professional boxing, sparring, professional wrestling, professional kickboxing and professional full-contact karate contests held in the state of Missouri, and it shall have the power, and it shall be its duty:

(1) To make and publish rules governing in every particular professional boxing, sparring, professional wrestling, professional kickboxing [and] , professional full-contact karate contests **and professional and amateur mixed martial arts;**

(2) To make and publish rules governing the approval of amateur sanctioning bodies;

(3) To accept applications for and issue licenses to contestants in professional boxing, sparring, professional wrestling, professional kickboxing and professional full-contact karate contests held in the state of Missouri, and referees, judges, matchmakers, managers, promoters, seconds, announcers, timekeepers and physicians involved in professional boxing, sparring, professional wrestling, professional kickboxing and professional full-contact karate contests held in the state of Missouri, as authorized herein. Such licenses shall be issued in accordance with rules duly adopted by the division;

(4) To charge fees to be determined by the director and established by rule for every license issued and to assess a tax of five percent of the gross receipts of any person, organization, corporation, partnership, limited liability company, or association holding a promoter's license and permit under sections 317.001 to 317.021, derived from admission charges connected with or as an incident to the holding of any professional boxing, sparring, professional wrestling, professional kickboxing or professional full-contact karate contest in the state of Missouri. Such funds shall be paid to the division of professional registration which shall pay said funds into the Missouri state treasury to be set apart into a fund to be known as the "Athletic Fund" which is hereby established;

(5) To assess a tax of five percent of the gross receipts of any person, organization, corporation, partnership, limited liability company or association holding a promoter's license under sections 317.001 to 317.021 derived from the sale, lease or other exploitation in this state of broadcasting, television, pay-per-view, closed-circuit telecast, and motion picture rights for

28 any professional boxing, sparring, professional wrestling, professional kickboxing or
29 professional full-contact karate contest. Such funds shall be paid to the division which shall pay
30 said funds into the Missouri state treasury to be set apart into a fund to be known as the "Athletic
31 Fund";

32 (6) Each cable television system operator whose pay-per-view or closed-circuit facilities
33 are utilized to telecast a bout or contest shall, within thirty calendar days following the date of
34 the telecast, file a report with the office stating the number of orders sold and the price per order.

35 2. All fees established pursuant to sections 317.001 to 317.021 shall be determined by
36 the director by rule in such amount as to produce sufficient revenue to fund the necessary
37 expenses and operating costs incurred in the administration of the provisions of sections 317.001
38 to 317.021. All expenses shall be paid as otherwise provided by law.

317.011. 1. The division shall have the power, and it shall be its duty, to accept
2 application for and issue permits to hold professional boxing, sparring, professional wrestling,
3 professional kickboxing [or] , professional full-contact karate, **or professional and amateur**
4 **mixed martial arts** contests in the state of Missouri, and to charge a fee for the issuance of same
5 in an amount established by rule; such funds to be paid to the division which shall pay such
6 funds into the Missouri state treasury to be set apart into the athletic fund.

7 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
8 this fund shall not be transferred and placed to the credit of general revenue until the amount in
9 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
10 fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than
11 yearly then three times the appropriation from the fund for the preceding fiscal year. The
12 amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the
13 appropriate multiple of the appropriations from the fund for the preceding fiscal year.

14 3. The division shall not grant any permit to hold professional boxing, sparring,
15 professional wrestling, professional kickboxing or professional full-contact karate contests in
16 the state of Missouri except:

17 (1) Where such professional boxing, sparring, professional wrestling, professional
18 kickboxing or professional full-contact karate contest is to be held under the auspices of a
19 promoter duly licensed by the division; and

20 (2) Where a fee has been paid for such permit, in an amount established by rule; and

21 (3) **Where all of the contestants in any amateur or professional mixed martial arts**
22 **contest are eighteen years of age or older. No owner of real property shall lease any**
23 **building, house, or apartment to any individual who sponsors, allows, or otherwise permits**
24 **any amateur or professional mixed martial arts contests on the premises unless the lessee**
25 **complies with the provisions of this subdivision.**

26 4. In such contests a decision shall be rendered by three judges licensed by the division,
27 **except as otherwise provided by the office by rule.**

28 5. **Except as otherwise provided herein**, specifically exempted from the provisions of
29 this chapter are contests or exhibitions for amateur boxing, amateur kickboxing, amateur
30 wrestling and amateur full-contact karate. However, all amateur boxing, amateur kickboxing,
31 amateur wrestling and amateur full-contact karate must be sanctioned by a nationally recognized
32 amateur sanctioning body approved by the office.

317.015. 1. Any person wishing to make a complaint against a licensee under sections
2 317.001 to 317.014 shall file the written complaint with the division setting forth supporting
3 details. If the division determines that the charges warrant a hearing to ascertain whether the
4 licensee shall be disciplined, it shall file a complaint with the administrative hearing commission
5 as provided in chapter 621, RSMo. Any person holding more than one license issued by the
6 division and disciplined under one license will automatically be disciplined under all licenses.

7 2. (1) The division may refuse to issue any permit or license pursuant to this chapter for
8 one or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this
9 subsection. The division shall notify the applicant in writing of the reasons for the refusal and
10 shall advise the applicant of their rights to file a complaint or an appeal with the administrative
11 hearing commission as provided in chapter 621, RSMo.

12 (2) The division may file a complaint with the administrative hearing commission, as
13 provided in chapter 621, RSMo, against any holder of any permit or license issued pursuant to
14 this chapter, or against any person who has failed to renew or has surrendered their permit or
15 license, for any one or more of the following reasons:

16 (a) Use of an alcoholic beverage or any controlled substance, as defined in chapter 195,
17 RSMo, before or during a bout;

18 (b) The person has been found guilty or has entered a plea of guilty or nolo contendere
19 in a criminal prosecution under any state or federal law for any offense reasonably related to the
20 qualifications, functions or duties of any profession licensed or regulated under this chapter, for
21 any offense an essential element of which is fraud, dishonesty or an act of violence, or for any
22 offense involving moral turpitude, whether or not a sentence is imposed;

23 (c) Use of fraud, deception, misrepresentation or bribery in securing any permit or
24 license issued pursuant to this chapter;

25 (d) Providing false information on applications or medical forms;

26 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
27 in the performing of the functions or duties of any profession licensed or regulated by this
28 chapter;

29 (f) Violating or enabling any person to violate any provision of this chapter or any rule
30 adopted pursuant to this chapter;

31 (g) Impersonating any permit or license holder or allowing any person to use their permit
32 or license;

33 (h) Contestants failing to put forth their best effort during a bout;

34 (i) Disciplinary action against the holder of a license or other right to practice any
35 profession regulated by this chapter and issued by another state, territory, federal agency or
36 country upon grounds for which revocation or suspension is authorized in this state;

37 (j) A person adjudged mentally incompetent by a court of competent jurisdiction;

38 (k) Use of any advertisement or solicitation which is false, misleading or deceptive to
39 the general public or persons to whom the advertisement or solicitation is primarily directed;

40 (l) Use of foul or abusive language or mannerisms or threats of physical harm by any
41 person associated with any bout or contest licensed pursuant to this chapter; [or]

42 (m) Issuance of a permit or license based upon a mistake of fact; or

43 **(n) Permitting participation by a person less than eighteen years of age in an**
44 **amateur or professional mixed martial arts contest in violation of subdivision (3) of**
45 **subsection 3 of section 317.011.**

46 (3) After the complaint is filed, the proceeding shall be conducted in accordance with
47 the provisions of chapter 621, RSMo. If the administrative hearing commission finds that a
48 person has violated one or more of the grounds as provided in paragraphs (a) through (m) of
49 subdivision (2) of this subsection, the division may censure or place the person named in the
50 complaint on probation on appropriate terms and conditions for a period not to exceed five years,
51 may suspend the person's license for a period not to exceed three years, or may revoke the
52 person's license.

53 3. Upon a finding that the grounds provided in subsection 2 of this section for
54 disciplinary action are met, the office may, singly or in combination, censure or place on
55 probation on such terms and conditions as the office deems appropriate for a period not to
56 exceed five years, or may suspend for a period not to exceed three years or revoke the certificate,
57 license, or permit. In any order of revocation, the office may provide that the person shall not
58 apply for a new license for a maximum of three years and one day following the date of the order
59 of revocation. All stay orders shall toll the disciplinary time periods allotted herein. In lieu of
60 or in addition to any remedy specifically provided in subsection 1 of this section, the office may
61 require of a licensee:

62 (1) Satisfactory completion of medical testing and/or rehabilitation programs as the
63 office may specify; and/or

64 (2) A review conducted as the office may specify and satisfactory completion of medical
65 testing and/or rehabilitation programs as the office may specify.

441.065. 1. Any property of a tenant remaining in or at the premises, after the tenant abandons the premises, may be removed or disposed of by the landlord without liability to the tenant for such removal or disposition. The premises shall be deemed abandoned if:

(1) The landlord has a reasonable belief that the tenant has vacated the premises and intends not to return;

(2) The rent is due and has been unpaid for thirty days; and

(3) The landlord posts written notice on the premises and mails to the last known address of the tenant by both first class mail and certified mail, return receipt requested, a notice of the landlord's belief of abandonment. The notice shall include the following, where appropriate: "The rent on this property has been due and unpaid for thirty consecutive days and the landlord believes that you have moved out and abandoned the property. The landlord may declare this property abandoned and remove your possessions from this unit and dispose of them unless you write to the landlord stating that you have not abandoned this unit within ten days of the landlord having both posted this notice on your door and mailing this notice to you. You should mail your statement by regular first class mail and[, if you so choose,] by certified mail, return receipt requested, **or other receipted delivery** to this address (here insert landlord's name and street address)"; and

(4) The tenant fails to either pay rent or respond in writing **by certified mail** to the landlord's notice within ten days after both the date of the posting and deposit of such notice by either first class mail or certified mail, return receipt requested, **or other receipted delivery** stating the tenant's intention not to abandon the premises.

2. The provisions of this section shall be applicable to any time a landlord has a reasonable belief that the property has been abandoned including any time prior to, during, or after the initiation of a chapter 535 action or judgment.

441.645. If a residence is destroyed by an act of God, including but not limited to fire or a tornado, or other natural disaster or man-made disaster, so long as the tenant was not the person who caused the disaster, the tenant shall not be liable to the landlord for rent during the remainder of the term of the lease agreement. Nothing herein shall limit the ability of a tenant and landlord from entering into a contract which is different than this section.

442.558. 1. As used in this section, the following terms shall mean:

(1) "Transfer", the sale, gift, conveyance, assignment, inheritance, or other transfer of ownership interest in real property located in this state;

(2) "Transfer fee", a fee or charge payable upon the transfer of an interest in real property, or payable for the right to make or accept such transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the

7 property, the purchase price, or other consideration given for the transfer. Transfer fee
8 shall not include the following:

9 (a) Any consideration payable by the grantee to the grantor for the interest in real
10 property being transferred;

11 (b) Any commission payable to a licensed real estate broker for the transfer of real
12 property under an agreement between the broker and the grantor or the grantee;

13 (c) Any interest, charges, fees, or other amounts payable by a borrower to a lender
14 under a loan secured by a mortgage against real property, including but not limited to any
15 fee payable to the lender for consenting to an assumption of the loan or a transfer of the
16 real property subject to the mortgage, any fees or charges payable to the lender for
17 estoppel letters or certificates, and any other consideration allowed by law and payable to
18 the lender in connection with the loan;

19 (d) Any rent, reimbursement, charge, fee, or other amount payable by a lessee to
20 a lessor under a lease, including but not limited to any fee payable to the lessor for
21 consenting to an assignment, subletting, encumbrance, or transfer of the lease;

22 (e) Any consideration payable to the holder of an option to purchase an interest in
23 real property or the holder of a right of first refusal or first offer to purchase an interest
24 in real property for waiving, releasing, or not exercising the option or right upon the
25 transfer of the property to another person;

26 (f) Any tax, fee, charge, assessment, fine, or other amount payable to or imposed
27 by a governmental authority;

28 (3) "Transfer fee covenant", a declaration or covenant purporting to affect real
29 property which requires or purports to require the payment of a transfer fee to the
30 declarant or other person specified in the declaration or covenant or to their successors or
31 assigns upon a subsequent transfer of an interest in the real property.

32 2. A transfer fee covenant recorded in this state on or after September 1, 2008, shall
33 not run with the title to real property and is not binding on or enforceable at law or in
34 equity against any subsequent owner, purchaser, or mortgagee of any interest in real
35 property as an equitable servitude or otherwise. Any lien purporting to secure the
36 payment of a transfer fee under a transfer fee covenant recorded in this state on or after
37 September 1, 2008, is void and unenforceable.

534.090. 1. Such summons shall be served as in other civil cases at least four days
2 before the court date specified in such summons.

3 2. If the summons in such action cannot be served in the ordinary manner as provided
4 by law, [it shall be the duty of the judge before whom the proceeding is commenced, at the
5 request of the plaintiff, to make an order directing that] notices shall be set up for ten days on
6 the premises in question [and in one public place in the county where the defendant was believed

7 to dwell,] informing the defendant of the commencement of the proceedings against the
8 defendant and to make an order directing that a copy of the summons be delivered to the
9 defendant at the defendant's last known address by ordinary mail. If the officer, or other person
10 empowered to execute the summons, shall return that the defendant is not found, or that the
11 defendant has absconded or vacated his or her usual place of abode in this state, and if proof be
12 made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the
13 judge shall proceed to hear the case as if there had been personal service, and judgment shall be
14 rendered and proceedings had as in other cases, except that where the defendant is in default no
15 money judgment shall be granted the plaintiff under the order of publication and [ordinary] mail
16 procedure set forth in this section. If such summons is returned executed, then the judge shall
17 set the case on the next available court date.

535.030. 1. Such summons shall be served as in other civil cases at least four days
2 before the court date in the summons. The summons shall include a court date which shall not
3 be more than twenty-one business days from the date the **served** summons is [issued] **returned**
4 **or the date an affidavit of posting and mailing of a copy of the summons is filed** unless at
5 the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later
6 date.

7 2. In addition to attempted personal service, the plaintiff may [request, and thereupon
8 the clerk of the court shall make an order directing that the officer, or other person empowered
9 to execute the summons, shall also] serve the same by securely affixing a copy of such summons
10 and the complaint in a conspicuous place on the dwelling of the premises in question at least ten
11 days before the court date in such summons, and by also mailing a copy of the summons and
12 complaint to the defendant at the defendant's last known address by ordinary mail **and certified**
13 **mail, return receipt requested, or other receipted delivery** at least ten days before the court
14 date. If the officer, or other person empowered to execute the summons, shall return that the
15 defendant is not found, or that the defendant has absconded or vacated his or her usual place of
16 abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy
17 of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the
18 case as if there had been personal service, and judgment shall be rendered and proceedings had
19 as in other cases, except that no money judgment shall be granted the plaintiff where the
20 defendant is in default and service is by the posting and mailing procedure set forth in this
21 section. **If possession is granted in favor of the owner, the owner has the right to enter and**
22 **dispose of any personal property left within the dwelling after ten business days of taking**
23 **possession of the premises.**

24 3. [If the plaintiff does not request service of the original summons by posting and
25 mailing as provided in subsection 2 of this section, and if the officer, or other person empowered
26 to execute the summons, makes return that the defendant is not found, or that the defendant has

27 absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request
28 the issuance of an alias summons and service of the same by posting and mailing in the time and
29 manner provided in subsection 2 of this section.] In addition, the plaintiff or an agent of the
30 plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a
31 copy of the summons in the time and manner provided in subsection 2 of this section. Upon
32 proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons
33 and the complaint, the judge shall proceed to hear the case as if there had been personal service,
34 and judgment shall be rendered and proceedings had as in other cases, except that no money
35 judgment shall be granted the plaintiff where the defendant is in default and service is by the
36 posting and mailing procedure provided in subsection 2 of this section.

37 4. On the date judgment is rendered as provided in this section where the defendant is
38 in default, the clerk of the court shall mail to the defendant at the defendant's last known address
39 [by certified mail, with a request for return receipt and with directions to deliver to the addressee
40 only,] a notice informing the defendant of the judgment and the date it was entered, and stating
41 that the defendant has ten days from the date of the judgment to file a motion to set aside the
42 judgment or to file an application for a trial de novo in the circuit court, as the case may be, and
43 that unless the judgment is set aside or an application for a trial de novo is filed within ten days,
44 the judgment will become final and the defendant will be subject to eviction from the premises
45 without further notice.

535.040. 1. Upon the return of the **served** summons [executed] **or upon filing with the**
2 **court an affidavit of posting and mailing of a copy of the summons as provided in**
3 **subsection 2 of section 535.030**, the judge shall set the case [on the first available court date
4 and] **as soon as practicable, but in no event shall such court date be later than twenty-one**
5 **days following the return of the served summons or the filing with the court an affidavit**
6 **of posting and mailing a copy of the summons as provided in subsection 2 of section**
7 **535.030. The judge** shall proceed to hear the cause, and if it shall appear that the rent which is
8 due has been demanded of the tenant, lessee or persons occupying the property, and that
9 payment has not been made, and if the payment of such rent, with all costs, shall not be tendered
10 before the judge, on the hearing of the cause, the judge shall render judgment that the landlord
11 recover the possession of the premises so rented or leased, and also the debt for the amount of
12 the rent then due, with all court costs and shall issue an execution upon such judgment,
13 commanding the officer to put the landlord into immediate possession of the property leased or
14 rented, and to make the debt and costs of the goods and chattels of the defendant. No money
15 judgment shall be granted to the plaintiff if the defendant is in default and service was by the
16 posting procedure provided in section 535.030 unless the defendant otherwise enters an
17 appearance. The officer shall deliver possession of the property to the landlord within five days
18 from the time of receiving the execution, and the officer shall proceed upon the execution to

19 collect the debt and costs, and return the writ, as in the case of other executions. If the plaintiff
20 so elects, the plaintiff may sue for possession alone, without asking for recovery of the rent due.
21

22 **2. Neither the landlord, nor his or her successors, assigns, agents, nor**
23 **representatives shall be liable to any tenant or subtenant for loss or damage to any**
24 **household goods, furnishings, fixtures, or any other personal property left in or at the**
25 **dwelling by the tenant or subtenant of such dwelling, by the reason of the landlord's**
26 **removal or disposal of the property under a court-ordered execution for possession of the**
27 **premises.**

28 **3. Notwithstanding the provisions of subsection 2 of this section, if, after the sheriff**
29 **has completed the court-ordered execution, property is left by the tenant in or at the**
30 **dwelling bearing a conspicuous permanent label or marking identifying it as the property**
31 **of a third party, the landlord shall make a reasonable effort to notify such third party, who**
32 **shall be given an opportunity to recover such property within five business days of the date**
33 **such notice is received. If the landlord is unable to notify the third party after reasonable**
34 **efforts have been made, the landlord may remove or dispose of such property and shall**
35 **incur no liability for any loss or damage thereto.**

535.120. Whenever [a half year's] **thirty days'** rent or more is in arrear from a tenant,
2 the landlord, if he has a subsisting right by law to reenter for the nonpayment of such rent, may
3 bring an action to recover the possession of the demised premises.

[441.880. 1. Upon application of a person subject to removal or eviction,
2 the court shall stay execution of an order for removal or eviction if the movant
3 establishes and the court finds all of the following:

4 (1) The person is a drug user and drug dependent, and will promptly
5 enter a court-approved drug treatment program, or the tenant did not aid or assist
6 in the drug-related criminal activity;

7 (2) The activity which is the subject of the action did not occur within
8 one thousand feet of a school or did not involve the sale or distribution of drugs
9 to minors;

10 (3) A weapon or firearm was not used or possessed in connection with
11 the activity that is the subject of the action;

12 (4) The court has not or will not issue a protective order pursuant to
13 section 441.820;

14 (5) The movant has not previously received a stay of execution for cause
15 brought pursuant to sections 441.710 to 441.880; and

16 (6) The stay of execution will not endanger the safety, health or
17 well-being of the surrounding community or the plaintiff.

18 2. The plaintiff, or any interested party who submits a written request to
19 the court to be notified of an application for a stay of execution, shall be provided

20 reasonable notice of, and an opportunity to be heard at, all hearings relating to
21 a stay of execution sought pursuant to this section.

22 3. If the court stays execution of a removal or eviction order pursuant to
23 subsection 1 of this section, then the court shall place the movant on probationary
24 tenancy. The period of probationary tenancy shall last either six months or for
25 the duration of the lease agreement between the landlord and the tenant,
26 whichever is shorter. The court may impose or modify such terms and conditions
27 of probationary tenancy as are necessary to further the purposes of sections
28 441.710 to 441.880 or to protect the safety, health or well-being of the
29 surrounding community or the parties. If a defendant is determined by the court
30 to be a drug user and drug dependent, the terms and conditions of probationary
31 tenancy may include, but are not limited to, the periodic drug testing of the
32 defendant, a program of reasonable community service and prompt entry into and
33 participation in a court-approved drug treatment program.

34 4. Following a motion by the plaintiff alleging defendant's
35 noncompliance with the terms and conditions of probationary tenancy, and a
36 five-day written notice served on the defendant specifying the time and place of
37 the hearing and the particulars of the alleged noncompliance, the court may
38 conduct a hearing on the motion. If the defendant is found by the court to have
39 materially failed to comply with any terms or conditions of probationary tenancy,
40 then the court shall immediately rescind the stay of execution. Any hearing held
41 pursuant to this section shall be expedited and shall be held within five days of
42 the court certification of service of the written notice on the defendant.

43 5. Nothing in sections 441.710 to 441.880 shall impair the right of a
44 party to seek the eviction or removal of a tenant or person for conduct occurring
45 subsequent to the events giving rise to the initial cause of action, and sections
46 441.710 to 441.880 shall not impair the right of a landlord to refuse to extend or
47 renew a lease or tenancy pursuant to existing law.

48 6. Following a motion by the defendant alleging that the defendant has
49 substantially complied with the terms and conditions of probation and that the
50 defendant no longer poses a risk to the safety, health or well-being of the
51 surrounding community or parties, and a five-day written notice served on the
52 plaintiff specifying the time and place of the hearing and the particulars of the
53 motion, the court may conduct a hearing on the motion. Upon finding sufficient
54 evidence to support the motion, the court shall discharge the order of eviction or
55 removal and shall dismiss the cause of action. The order of eviction or removal
56 shall automatically be deemed discharged and the cause of action automatically
57 deemed dismissed upon expiration of the term of probationary tenancy.]

Section B. Because immediate action is necessary to protect young children within

2 Missouri from potentially serious injury, sections 317.006, 317.011, and 317.015 of this act are
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
4 and is hereby declared to be an emergency act within the meaning of the constitution, and

5 sections 317.006, 317.011, and 317.015 shall be in full force and effect upon passage and
6 approval.

✓

Unofficial

Bill

Copy